



April 11, 1994

Mr. Arnold Bernas
Project Manager
Emergency and Remedial Response Division
U.S. Environmental Protection Agency
Region II
Room 29-30
26 Federal Plaza
New York, New York 10278

Re: York Oil Site, Moira, New York
Request for Information Under
42 U.S.C. Sec. 9604(e)

Dear Mr. Bernas:

Enclosed please find Capital District Transportation Authority's response to your request for information.

We trust this is satisfactory.

Very truly yours,

Dennis J. Fitzgerald
Executive Director
/w

Enc.

cc.: Elena T. Kissel
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency - Rm 437
Region II
26 Federal Plaza
New York, NY 10278

Robert P. Roche
Chairman
Albany County

A. Jerome Mc Cormick
Vice Chairman
Saratoga County

James W. Cramer
Secretary
Rensselaer County

Gordon H. Strait
Treasurer
Albany County

Thomas H. Clements
Saratoga County

Bernard A. Fleishman
Rensselaer County

Joseph Parillo, Jr.
Schenectady County

Dennis J. Fitzgerald
Executive Director

Robert G. Lyman
General Counsel

570110



**RESPONSES TO REQUEST FOR INFORMATION TO
THE CAPITAL DISTRICT TRANSPORTATION AUTHORITY**

1.
 - (a) **Capital District Transportation Authority**
 - (b) **110 Watervliet Avenue
Albany, New York 12206**
 - (c) **The Capital District Transportation Authority did not exist prior to August 1, 1970.**
 - (d) **Public Authority of the State of New York (Public Benefit Corporation)**
 - (e) **Dennis J. Fitzgerald
Executive Director
110 Watervliet Avenue
Albany, New York 12206**

**Robert P. Roche, Esq.
Chairman of the Board
110 Watervliet Avenue
Albany, New York 12206**
 - (f) **Paul Lipman
Claims Manager
110 Watervliet Avenue
Albany, New York 12206**

**Michael Collins
Director of Personnel & Safety
110 Watervliet Avenue
Albany, New York 12206**
 - (g) **Subsidiaries:**

**Capital District Transit System
Capital District Transportation District, Incorporated**

**Capital District Transit System, Number One
Capital District Transportation District, Incorporated**

**Capital District Transit System, Number Two
Capital District Transportation District, Incorporated**

**Dennis J. Fitzgerald
General Manager
110 Watervliet Avenue
Albany, New York 12206**

**Robert P. Roche, Esq.
Chairman of the Board
110 Watervliet Avenue
Albany, New York 12206**

- (h-i) The Capital District Transportation Authority (CDTA) is a New York State Public Authority, created by Chapters 460 and 461 of the Laws of the State of New York of 1970. A copy of its enabling legislation is attached.**

As indicated above, the CDTA came into existence in 1970 in large measure as a result of the growing national trend of failure of local private mass transit systems. By 1970, the old private urban bus systems had become unable to compete financially with the automobile and many of them went out of business. As a result, government stepped in to begin to fashion solutions to continue public transportation service. One of those solutions was the creation of public authorities to provide mass transit services. Indeed it is a fair statement to say that today most mass transit services, both bus and rail, is provided through the auspices of public authorities.

The Federal government, realizing that mass transit was a vital function, became involved in providing funding for transit agencies in 1964. With the creation of the Urban Mass Transit Administration (UMTA), now the Federal Transit Administration (FTA), capital and operating assistance has been made available to local transit providers.

United Traction Company (UTC) was one of the private companies that could no longer sustain its operation. By 1970 it had petitioned the NYS Public Service Commission for permission to cease operations in the Albany area. As mentioned, local government realized that the continuation of bus service in the area was vital to the economic well-being of the community. Accordingly, the County of Albany, New York (COUNTY) stepped in and purchased the UTC. Enclosed is a copy of an agreement between the County and UTC by which we believe the transaction was consummated. We do not have an executed copy of the agreement in our file, but as can be seen in later documents it appears that the transaction involved the purchase by the County of the stock of UTC. After the purchase of UTC the County (perhaps using the existing UTC operation) operated the bus

system and in 1970 purchased 100 new buses for use on the system.

In 1972 the County, not wishing to continue in the transportation business, entered into an agreement with CDTA by which CDTA purchased the assets used by the County in providing bus service as aforesaid. A copy of that agreement is attached hereto. As is set forth on page two of the agreement one of the methods of valuation of the assets was the amount of money the County paid for the purchase of the stock of UTC. (see Section 1A.)

One of the key points of the negotiation of the parties was with respect to claims asserted against either the County or UTC in the future. That issue was resolved in paragraph 4 of the agreement wherein it is provided "but in no event shall the Authority have any responsibility for any such claim or cause which accrues after closing."

After the transfer of the assets the provision of bus service in the Albany area was carried out by CDTA. The Board of Directors of CDTA were and are still appointed by the Governor of the State of New York, and are public officers. They are appointed from four counties in upstate New York, not just Albany County. Neither CDTA, or as far as we know, any member of its Board or any of its staff own any UTC stock. It is unknown as to what the status of UTC stock actually is, but if it still exists we would assume it to be worthless. We do not know if UTC has been legally dissolved.

Accordingly, it is submitted that CDTA is not a successor in interest to UTC. The transfer of assets was from County to CDTA and was for the purpose of continuing bus service in the area, not to afford UTC the opportunity to emerge with a new identity. CDTA did not become the owner of UTC stock, and no board member or officer of UTC became a board member or an officer of CDTA.

What exists today is a public provider of mass transit service in the region. The operation of this system as with all public providers of mass transit service is not a profit-making venture. Indeed most of the revenue which comes to CDTA is in the form of subsidies from the Federal, State and Local governments. Only 34% of total revenue received by CDTA in its last fiscal year came from passenger revenue.

2. The following information was obtained from people who were employed by UTC at the time in question and presently work for a CDTA operating subsidiary. (See questions 5 and 6).

- a. Yes
- b. Some cars and trucks but predominantly buses.
- c. GMC buses.
- d. UTC changed the oil in approximately 70 buses per month. Each oil change involved 32 quarts of oil.
- e. No.
- f. Oil was stored in a 500 gallon tank.
- g. The tank was made of steel and is believed to have been unlined.
- h. No.
- i. Outside.
- j. Above - ground.
- k. Possibly waste transmission fluid. Cannot estimate the amount.
- l. It appears that when the aforementioned 500 gallon tank was filled the UTC purchasing agent called someone and asked them to come and pump it out. No one knows where the oil was transported to.
- m. One individual remembers that UTC dealt with two companies for removal, Pierce and Wright.
- n. Unknown.
- o. Waste oil was only tested to determine if water or kerosene was present.
- p. No.
- q. Unknown. (See answer to m. above).

3. We have no such documents.

4. Unknown. We have no such documents.

5 - 6. The individuals consulted for the answers to question contained in paragraph 2 above are Russ D'Amico, Mike Farron, Ed Kuhn, Fred Neumann, Jim Rigney, Clyde Snedecor, and Tony Amedio. These individuals are present or former employees of the Maintenance Department of a CDTA operating subsidiary. They can be reached through the main offices of CDTA at 110 Watervliet Avenue, Albany, New York 12206.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of New York

County of Albany ss.:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

DENNIS J. FITZGERALD
NAME (print or type)

Executive Director
TITLE (print or type)

Dennis J. Fitzgerald
SIGNATURE

Sworn to me before this 11th

day of April, 1994

Lillian Wood
Notary Public

LILLIAN WOOD
Notary Public, State of New York
Residing in Greene County
Commission Expires July 31, 95